

FILED IN THE  
U.S. DISTRICT COURT  
EASTERN DISTRICT OF WASHINGTON

**Aug 20, 2024**

SEAN F. MCAVOY, CLERK

UNITED STATES DISTRICT COURT

EASTERN DISTRICT OF WASHINGTON

JOSE DE JESUS AVINA LOPEZ and  
JOSE CARLOS AVINA ARROYO,

Plaintiffs,

v.

KENNETH D. BAWDEN, JR., UR M.  
JADDOU, and ALEJANDRO  
MAYORKAS,

Defendants.

No. 2:24-CV-141-MKD

ORDER DISMISSING CASE

On May 1, 2024, Plaintiffs filed their Complaint. ECF No. 1. On May 14, 2024, Plaintiffs filed proofs of service, indicating copies of the summonses and the Complaint were sent by mail to the named Defendants. ECF No. 3. Plaintiffs did not, however, also serve the United States, as required by Fed. R. Civ. P. 4(i)(2).

On August 5, 2024, the Court issued an order directing Plaintiffs to show cause why this matter should not be dismissed pursuant to Fed. R. Civ. P. 4(m), for

1 failing to timely serve the Complaint. ECF No. 4. To date, Plaintiffs have not  
2 responded.

3 The Court “must dismiss the action without prejudice” if “a defendant is not  
4 served within 90 days after the complaint is filed[.]” Fed. R. Civ. P. 4(m). More  
5 than 90 days has elapsed since Plaintiffs filed their Complaint.

6 Accordingly, **IT IS HEREBY ORDERED:**

7 1. This action is **DISMISSED WITHOUT PREJUDICE** for failure to  
8 serve the Complaint, pursuant to Fed. R. Civ. P. 4(m).

9 **IT IS SO ORDERED.** The District Court Executive is directed to enter this  
10 Order, **enter judgment**, provide copies to the parties, and **CLOSE** the file.

11 DATED August 20, 2024.

12 s/Mary K. Dimke  
13 MARY K. DIMKE  
14 UNITED STATES DISTRICT JUDGE  
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